

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION**

In re Dealer Management Systems Antitrust Litig.,
MDL 2817

This Document Relates To:

Loop, LLC, d/b/a AutoLoop v. CDK Global, LLC,
Case No. 18-cv-2521

THE DEALERSHIP PUTATIVE CLASS ACTION

MDL No. 2817

Case No. 18-cv-00864

Hon. Rebecca R. Pallmeyer

**OMNIBUS DECLARATION OF KATHERINE R. KATZ IN SUPPORT OF CDK
GLOBAL, LLC'S FEBRUARY 23, 2024 OPPOSITION TO CLASS CERTIFICATION
AND MOTIONS TO EXCLUDE EXPERT OPINIONS AND TESTIMONY**

I, Katherine R. Katz, Esq., declare and state as follows:

I am an attorney admitted to practice in the State of Massachusetts and the District of Columbia. I am admitted pro hac vice in this matter. I am a partner at Kirkland Ellis LLP and counsel for Defendant CDK Global, LLC ("CDK") in the above captioned matter. I submit this declaration in support of three other filings submitted concurrently today: (1) CDK's Opposition to Class Certification; (2) CDK's Motion and accompanying Memorandum to Exclude Certain Opinions and Proposed Testimony of Dr. Mark Israel; and (3) CDK's Motion and accompanying Memorandum to Exclude Certain Opinions and Proposed Testimony of Dr. Michael Williams.

1. Attached hereto as **Exhibit 1** is a true and correct copy of the February 23, 2024 Expert Rebuttal Report of Dr. Laila Haider.

2. Attached hereto as **Exhibit 2** is a true and correct excerpt of the January 22, 2024 30(b)(6) Deposition of Stevens Group witness David Benstock.

3. Attached hereto as **Exhibit 3** is a true and correct excerpt of the January 4, 2024 30(b)(6) Deposition of Waconia Dodge witness Andy Strong.

4. Attached hereto as **Exhibit 4** is a true and correct excerpt of the January 26, 2023 30(b)(6) Deposition of Tony Group witness Bryan Hsu.

5. Attached hereto as **Exhibit 5** is a true and correct excerpt of the April 19, 2019 30(b)(6) Deposition of StoneEagle F&I witness Thomas Elliott.

6. Attached hereto as **Exhibit 6** is a true and correct excerpt of the March 29, 2019 30(b)(6) Deposition of Kenny Thomas Enterprises, Inc. witness Kelly Thomas.

7. Attached hereto as **Exhibit 7** is a true and correct excerpt of the April 16, 2019 30(b)(6) Deposition of Cox Automotive/XTime witness Neal East.

8. Attached hereto as **Exhibit 8** is a true and correct copy of the May 25, 2022 National Automobile Dealers Association (NADA) publication, "FTC Safeguards Rule: What Your Business Needs to Know."

9. Attached hereto as **Exhibit 9** is a true and correct copy of the CDK Webpage: "CDK Network Protect," <https://www.cdkglobal.com/dealership-operations/cybersecurity/cdk-network-protect>.

10. Attached hereto as **Exhibit 10** is a true and correct excerpt of the January 4, 2014 30(b)(6) Deposition of Jim Marsh witness Andy Kerby.

11. Attached hereto as **Exhibit 11** is a true and correct copy of the Declaration of Leigh Ann Conver.

12. Attached hereto as **Exhibit 12** is a true and correct excerpt of the January 19, 2024 Deposition of Vendor Plaintiffs' expert Dr. Mark Israel.

13. Attached hereto as **Exhibit 13** is a true and correct excerpt of the February 12, 2024 Deposition of Dealer Plaintiffs' expert Dr. Michael Williams

14. Attached hereto as **Exhibit 14** is a true and correct copy of the July 17, 2017 Third Party Access Agreement between CDK Data Services, Inc. and Carvana, LLC (CDK-0783279)

15. Attached hereto as **Exhibit 15** is a true and correct copy of the November 29, 2018 Third Party Access Agreement between CDK Data Services, Inc. and BlinkAi, Inc. (CDK-3133703)

16. Attached hereto as **Exhibit 16** is a true and correct excerpt of the October 2, 2019 Third Party Access Agreement between CDK Data Services, Inc. and Whip Mobility, Inc. (CDK-3138322)

17. Attached hereto as **Exhibit 17** is a true and correct copy of the August 7, 2018 Third Party Access Agreement between CDK Data Services, Inc., and American Marketing & Mailing Services, Inc. (CDK-3105962)

18. Attached hereto as **Exhibit 18** is a true and correct excerpt of the January 24, 2017 Third Party Access Agreement between CDK Data Services, Inc. and Dealer Addendums (CDK-3106524).

19. Attached hereto as **Exhibit 19** is a true and correct copy of July 26, 2020 Third Party Access Agreement between CDK Data Services, Inc. and Dealer Addendums (CDK-3134291).

20. Attached hereto as **Exhibit 20** is a true and correct copy of the June 30, 2020 Master Services Agreement between CDK Global LLC and Waconia Dodge (WACONIA_00000034)

21. Attached hereto as **Exhibit 21** is a true and correct excerpt of the February 2, 2024 30(b)(6) Deposition of GSM Auto Group witness Scott Gunderson.

22. Attached hereto as **Exhibit 22** is a true and correct excerpt of the January 16, 2024 30(b)(6) Deposition of Automaster witness Nicholas Bernier

23. Attached hereto as **Exhibit 23** is a true and correct copy of January 31, 2022 Invoice from Dealertrack to Gregoris Motors and February 11, 2022 check from Gregoris Motors to Dealertrack (GREGORIS_SUPPL._00000140).

24. Attached hereto as **Exhibit 24** is a true and correct excerpt of the January 17, 2024 30(b)(6) Deposition of Henry Brown Buick GMC witness Victoria Willis.

25. Attached hereto as **Exhibit 25** is a true and correct copy of the May 8, 2020 Proposal from Dealertrack to John O'Neil Johnson Motor Co. for Dealertrack DMS services (JOHN_ONEIL-SUPPL._00000012).

26. Attached hereto as **Exhibit 26** is a true and correct excerpt of the January 25, 2024 30(b)(6) Deposition of L&S Motors witness Matthew Roop

27. Attached hereto as **Exhibit 27** is a true and correct excerpt of the February 2, 2024 30(b)(6) Deposition of Pitre Group witness Thomas Stever.

28. Attached hereto as **Exhibit 28** is a true and correct excerpt of the January 9, 2024 30(b)(6) Deposition of Sandy Sansing witness Steven Henry.

29. Attached hereto as **Exhibit 29** is a true and correct copy of the January 19, 2021 Master Services Agreement between CDK Global LLC and Audi Mission Viejo, a GSM Auto Group rooftop (CDK-3128276).

30. Attached hereto as **Exhibit 30** is a true and correct copy of the August 28, 2020 Master Services Agreement between CDK Global LLC and Henry Brown Automotive Group (CDK-3130110).

31. Attached hereto as **Exhibit 31** is a true and correct copy of the April 29, 2022 Master Services Agreement between CDK Global LLC and Henry Brown Automotive Group (CDK-3128919).

32. Attached hereto as **Exhibit 32** is a true and correct copy of the March 24, 2023 Master Services Agreement between CDK Global LLC and Jim Marsh Kia (CDK-3128990)

33. Attached hereto as **Exhibit 33** is a true and correct copy of the March 7, 2022 Master Services Agreement between CDK Global LLC and Kenny Thomas Olathe Toyota (KENNY_THOMAS-SUPPL._00001114)

34. Attached hereto as **Exhibit 34** is a true and correct copy of the October 16, 2023 Master Services Agreement between CDK Global LLC and Landmark Ford (CDK-3129012).

35. Attached hereto as **Exhibit 35** is a true and correct excerpt of the January 12, 2024 30(b)(6) Deposition of Landmark Ford witness Laura Barrera-Moore.

36. Attached hereto as **Exhibit 36** is a true and correct copy of the January 6, 2020 Master Services Agreement between CDK Global LLC and Stevens Ford 112 (CDK-3129144).

37. Attached hereto as **Exhibit 37** is a true and correct copy of the December 21, 2017 Master Services Agreement between CDK Global LLC and Tony Group (TONY_GROUP_00002883).

38. Attached hereto as **Exhibit 38** is a true and correct copy of the June 30, 2020 Addendum to Master Services Agreement between CDK Global LLC and Waconia Dodge (WACONIA_00000014).

39. Attached hereto as **Exhibit 39** is a true and correct copy of the January 27, 2022 Schedule to Master Services Agreement between CDK Global LLC and Tony Nissan (CDK-3129570).

40. Attached hereto as **Exhibit 40** is a true and correct copy of the September 30, 2021 Invoice from CDK Global to Waconia Dodge (WACONIA_00000716).

41. Attached hereto as **Exhibit 41** is a true and correct copy of the June 1, 2021 Invoice from MaxDigital to Waconia Dodge (WACONIA_00000288).

42. Attached hereto as **Exhibit 42** is a true and correct copy of the November 1, 2023 Invoice from MaxDigital to Waconia Dodge (WACONIA_00000408)

43. Attached hereto as **Exhibit 43** is a true and correct copy of 2023 Global Insight Services (GIS) Presentation titled U.S. Dealer Management System Market: Market Forecast till 2032

44. Attached hereto as **Exhibit 44** is a true and correct copy of 2017 American Bar Association book titled Proving Antitrust Damages: Legal and Economic Issues, Third Edition.

45. Attached hereto as **Exhibit 45** is a true and correct copy of the January 30, 2024 30(b)(6) Deposition of DuTeau witness Lynn Sunderman.

46. Attached hereto as **Exhibit 46** is a true and correct excerpt of the November 8, 2019 Deposition of Dealer Plaintiffs' expert Dr. Michael Williams.

47. Attached hereto as **Exhibit 47** is a true and correct excerpt of the April 11, 2019 30(b)(6) Deposition of DealerSocket witness Brad Perry.

[signature on next page]

I declare under penalty of perjury that the foregoing is true and correct.

Executed in Washington, D.C., this 23rd of February 2024.

/s/ Katherine R. Katz
Katherine R. Katz